

South Australia

## **Workers Rehabilitation and Compensation (General) Regulations 1999**

under the *Workers Rehabilitation and Compensation Act 1986*

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### Legislative history

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#### 1—Short title

These regulations may be cited as the *Workers Rehabilitation and Compensation (General) Regulations 1999*.

#### 3—Interpretation

In these regulations, unless the contrary intention appears—

*Act* means the *Workers Rehabilitation and Compensation Act 1986*;

*GST* means the tax payable under the GST law;

*GST law* means—

- (a) *A New Tax System (Goods and Services Tax) Act 1999* of the Commonwealth; and
- (b) the related legislation of the Commonwealth dealing with the imposition of a tax on the supply of goods, services and other things;

*prime bank rate*, for a particular financial year, means the average of the 12 month fixed-rate personal home loan rate and the fixed-rate unsecured personal loan rate, as fixed by the National Australia Bank Limited at the commencement of that financial year (expressed as a percentage per annum to two decimal places).

#### 3A—Designated courts

For the purposes of paragraph (b) of the definition of *designated court* in section 6B(3) of the Act, the following are declared to be designated courts:

- (a) *Magistrates Court* of the Australian Capital Territory;
- (b) *Workers Compensation Commission of New South Wales*;
- (c) *Work Health Court* of the Northern Territory;
- (d) *Industrial Magistrates Court* of Queensland;
- (e) *Industrial Court of Queensland*;
- (f) *Queensland Industrial Relations Commission*;
- (g) *Workers Rehabilitation and Compensation Tribunal* of Tasmania;
- (h) *County Court* of Victoria;
- (i) *Magistrates' Court of Victoria*;
- (j) *District Court of Western Australia*.

#### **4—Medical expenses**

- (1) For the purposes of section 32(2)(e) of the Act, the maximum amount of compensation payable for the cost of the accommodation (including meals) of a worker away from home for the purpose of receiving medical services or approved rehabilitation is—
  - (a) where the accommodation is provided up to and including 31 December 2000—\$143 per day;
  - (b) where the accommodation is provided in the 2001 calendar year or a subsequent calendar year—an amount (calculated to the nearest multiple of \$10) that bears to \$138 the same proportion, subject to subregulation (1)(a), as the Consumer Price Index for the September quarter of the immediately preceding year bears to the Consumer Price Index for the September quarter, 1998.
- (1a) For the purposes of determining the amount referred to in subregulation (1)(b), the amount of the Consumer Price Index for the September quarter, 2000, and for the September quarter of each subsequent year will be reduced by the amount of the component of the weighted average of the Consumer Price Index for the eight Australian capital cities for the September quarter, 2000, that, in the opinion of the Australian Bureau of Statistics, is attributable to the impact of the GST.
- (1b) If the Australian Bureau of Statistics has not determined and published the amount of the component referred to in subregulation (1a) that is attributable to the GST by 1 January 2001, the determination under subregulation (1)(b) for that year will be delayed until the amount has been published by the Bureau.
- (2) If an amount under subregulation (1) relates to accommodation outside South Australia, the maximum amount is increased by an additional \$55 per day.

#### **5—Transportation for initial treatment**

For the purposes of section 33(4) of the Act, the amount of \$150 is prescribed.

#### **6—Compensation for property damage**

- (1) For the purposes of section 34 of the Act, the following limits apply in relation to the compensation payable for damage to personal property:
  - (a) for damage to therapeutic appliances and tools of trade—no limit;
  - (b) for damage to clothes and personal effects—\$1 500 in total.
- (2) The amount prescribed under subregulation (1)(b) will be adjusted on an annual basis (according to calendar years) beginning on 1 January 2000 so that the relevant amount for a year from that time will be an amount (calculated to the nearest multiple of \$10) that bears to \$1 500 the same proportion as the Consumer Price Index for the September quarter for the year immediately preceding the relevant year bears to the Consumer Price Index for the September quarter, 1998.

## 7—Notices

Pursuant to sections 36(3), 39(3) and 45(7) of the Act, the following information must be included in a notice under any of those sections:

- (a) a statement of the decision that has been made to discontinue, reduce, suspend or adjust weekly payments; and
- (b) a reference to the provision of the Act and, if relevant, the regulations made under the Act, on which the Corporation is relying to discontinue, reduce, suspend or adjust weekly payments, and the text of that provision; and
- (c) the general basis on which the Corporation has made its decision.

## 8—Recovery of certain amounts paid to workers

- (1) These regulations apply in relation to the Corporation's ability to recover or set off an amount under sections 36(5), (6) or (7), or 42B(5) of the Act.
- (2) Subject to subregulation (3), the Corporation must—
  - (a) commence proceedings to recover an amount due to the Corporation as a debt; or
  - (b) exercise a right of set off under section 36(5)(b) or 42B(5)(b) of the Act,within two years after the date on which the Corporation becomes entitled to take action under the Act.
- (3) If the Corporation is satisfied on reasonable grounds—
  - (a) in the case of an amount paid under section 36(4) of the Act—that the worker commenced the proceedings before the Tribunal knowing that he or she had no reasonable cause to dispute the Corporation's decision to discontinue, suspend or reduce weekly payments to the worker; or
  - (b) in any other case—that the worker provided false or misleading information to the Corporation,

the Corporation may commence the proceedings or exercise the right of set off referred to in subregulation (2) at any time within 10 years after the date on which the Corporation becomes entitled to take action under the Act.

- (4) The Corporation may, according to what is reasonable in the circumstances of the particular case, recover an amount under section 36(5)(a), (6) or (7), or section 42B(5)(a), of the Act—
  - (a) as a single lump sum; or
  - (b) by periodic payments; or
  - (c) by a combination of a lump sum and periodic payments; or
  - (d) in some other manner agreed between the Corporation and the worker.
- (5) Subregulation (4) operates subject to the following qualifications:
  - (a) the Corporation cannot require that a worker make periodic payments in excess of 10 per cent of the worker's net income for the period over which those payments are to be made without the agreement of the worker; and

- (b) the Corporation may, in its absolute discretion, waive (absolutely or subject to such conditions as the Corporation thinks fit) the whole or any part of an amount that it is entitled to recover if—
  - (i) the Corporation is satisfied that the worker is experiencing severe financial hardship, or it appears appropriate to do so on account of any other special circumstances peculiar to the worker; or
  - (ii) the Corporation considers that it is appropriate to do so after the Corporation has balanced the likely costs that would be associated with recovering the amount against the amount itself; and
- (c) unless the Corporation is satisfied on reasonable grounds—
  - (i) in the case of an amount paid under section 36(4) of the Act—that the worker commenced the proceedings before the Tribunal knowing that he or she had no reasonable cause to dispute the Corporation's decision to discontinue, suspend or reduce weekly payments to the worker; or
  - (ii) in any other case—that the worker has provided false or misleading information to the Corporation,

the Corporation must grant the following remissions if the total amount payable is repaid within the following periods:

- (iii) a 15 per cent remission if the total amount is repaid within one month of the date on which the worker first receives a written notification of the amount that the worker is liable to pay;
  - (iv) a 10 per cent remission if the total amount is repaid within six months of the date on which the worker first receives a written notification of the amount that the worker is liable to pay.
- (6) If a worker has made a periodic payment to the Corporation under subregulation (4), the Corporation must, within a reasonable time after the end of the financial year in which the payment is made, furnish the worker with a statement that sets out—
- (a) the total amount paid by the worker during that financial year; and
  - (b) the amount left to be paid (if any),

and must furnish a final statement when the debt is extinguished.

- (7) In this regulation—

*net income* of a worker means income after an appropriate deduction is made for any income tax payable by the worker.

## **9—Prescribed notices given by Corporation**

- (1) For the purposes of subsection (3) of section 38 of the Act, the form of the notice that must be given to a worker under that subsection is set out in Schedule 1.
- (2) For the purposes of subsection (7) of section 38 of the Act, the form of the notice that must be given to a worker under that subsection is set out in Schedule 2.
- (3) For the purposes of subsection (2) of section 38A of the Act, the form of notice that must be given to a worker under that subsection is set out in Schedule 3.

- (4) For the purposes of subsection (3) of section 39 of the Act, the form of notice that must be given to a worker under that subsection is set out in Schedule 4.
- (5) For the purposes of subsection (2) of section 41 of the Act, the form of notice that must be given to a worker under that subsection is set out in Schedule 5.

### **10—Economic adjustments to weekly payments**

- (1) For the purposes of section 39(2)(a)(ii) of the Act, a worker must make an application under that section by using the form set out in Schedule 6.
- (2) A form referred to in subregulation (1) may be provided in electronic form according to a determination made by the Corporation and published in the Gazette.

### **11—Absence from Australia**

- (1) For the purposes of section 41(1) of the Act, a worker intending to be absent from Australia must give the Corporation the following information:
  - (a) the date on which the worker intends to leave Australia; and
  - (b) the date on which the worker intends to return to Australia or, if there is no such date, an estimate of the duration of his or her absence from Australia; and
  - (c) details of the places where the worker will be while absent from Australia; and
  - (d) an address at which contact may be made with the worker; and
  - (e) details of any treatment that the worker intends to receive, or details of any arrangements for treatment that the worker has made, while absent from Australia; and
  - (f) details of any employment that the worker might undertake while absent from Australia; and
  - (g) details of any consultation in relation to the proposed absence that the worker has undertaken with any employer (including information as to the outcome of that consultation).
- (2) The information required under subregulation (1) must be supplied—
  - (a) in the form set out in Schedule 7; or
  - (b) in a form determined by the Corporation.
- (3) The information required under subregulation (1) may be provided in electronic form according to a determination made by the Corporation and published in the Gazette.

**12—Prescribed limits on costs—Provision of professional advice**

- (1) For the purposes of section 42(4) of the Act, the following limits are prescribed in relation to the indemnity provided by the Corporation for the costs of obtaining professional advice in the event of redemption negotiations where the advice is obtained up to and including 31 December 2000:

<b>Item</b>	<b>Limit</b>
Obtaining professional advice about the consequences of redemption	\$341
Obtaining financial advice about the investment or use of money received on redemption	\$220.

- (2) The limits in relation to the indemnity provided by the Corporation for the costs of obtaining professional advice in the event of redemption negotiations where the advice is obtained in the 2001 calendar year or a subsequent calendar year are to be determined by adjusting the amounts prescribed by subregulation (1) in accordance with subregulation (3).
- (3) Subject to subregulation (4), an amount prescribed by subregulation (1) will be adjusted on an annual basis so that the adjusted amount will on 1 January 2001 and on 1 January of each subsequent year be an amount (calculated to the nearest multiple of \$10) that bears to the amount prescribed by subregulation (1) the same proportion, subject to subregulation (5), as the Consumer Price Index for the September quarter of the immediately preceding year bears to the Consumer Price Index for the September quarter, 1998.
- (4) In the application of subregulation (3) the maximum amount for obtaining professional advice about the consequences of redemption prescribed by subregulation (1) will be taken to be \$330 and not \$341.
- (5) For the purpose of making the adjustment referred to in subregulation (3), the amount of the Consumer Price Index for the September quarter, 2000, and for the September quarter of each subsequent year will be reduced by the amount of the component of the weighted average of the Consumer Price Index for the eight Australian capital cities for the September quarter, 2000, that, in the opinion of the Australian Bureau of Statistics, is attributable to the impact of the GST.
- (6) If the Australian Bureau of Statistics has not determined and published the amount of the component referred to in subregulation (5) that is attributable to the GST by 1 January 2001, the adjustment under subregulation (3) for that year will be delayed until the amount has been published by the Bureau.

**13—Compensation for loss of earning capacity**

- (1) For the purposes of section 42A(2)(c) of the Act, the prescribed discount rate is 3 per cent.
- (2) For the purposes of section 42A(5) of the Act, the principles, and discount and inflation rates, that are to be applied to determine the actuarial equivalence of equal instalments to a lump sum are reflected in the following formula:

$$X = \frac{(K \times P)}{\left(1 - \frac{1}{(1+K)^N}\right) \times (1+K)}$$

Where—

$X$  is the amount of each instalment

$K$  equals  $\frac{X}{(1+I)^{1/M} - 1}$  where—

$M$  is the number of instalments to be paid per year or, if the instalments are to be paid less frequently than annually,  $M$  is an amount calculated as follows:

$$M = \frac{1}{\text{Number of years duration of each particular instalment}}$$

$I$  is the prescribed discount rate (expressed as a decimal number) plus the prescribed inflation rate (expressed as a decimal number) for the period to which the assessment relates (see subregulation (3))

$P$  is the lump sum assessment of capital loss

$N$  is the total number of instalments to be paid over the period to which the assessment relates.

- (3) For the purposes of subregulation (2)—
- (a) the prescribed discount rate is 3 per cent; and
  - (b) the prescribed inflation rate is the annual change (expressed as a percentage) in the Wage Cost Index, referenced to persons and South Australia, or its replacement, as published by the Commonwealth Statistician for September in the year immediately preceding the year in which the assessment is made.

#### 14—Compensation for non-economic loss

Pursuant to section 43(9) of the Act, Schedule 3 of the Act is amended by adding the following disability and percentage:

Nature of the disability	Percentage fixed in relation to the disability
Loss of hand or loss of thumb and four fingers	80.

#### 15—Compensation payable on death

- (1) For the purposes of section 44(1)(a) of the Act, the prescribed amount that may be payable in relation to a funeral benefit is—
- (a) in relation to a worker who dies before or on 31 December 2000—\$5 599;
  - (b) in relation to a worker who dies in the 2001 calendar year or a subsequent calendar year—a sum (calculated to the nearest multiple of \$10) that bears to \$5 500 the same proportion, subject to subregulation (1a), as the Consumer Price Index for the September quarter of the immediately preceding year bears to the Consumer Price Index for the September quarter, 1998.
- (1a) For the purpose of determining the sum referred to in subregulation (1)(b), the amount of the Consumer Price Index for the September quarter, 2000, and for the September quarter of each subsequent year will be reduced by the amount of the component of the weighted average of the Consumer Price Index for the eight Australian capital cities for the September quarter, 2000, that, in the opinion of the Australian Bureau of Statistics, is attributable to the impact of the GST.



- (1b) If the Australian Bureau of Statistics has not determined and published the amount of the component referred to in subregulation (1a) that is attributable to the GST by 1 January 2001, the determination under subregulation (1)(b) for that year will be delayed until the amount has been published by the Bureau.
- (2) For the purposes of section 44(14) of the Act, the prescribed rate of discount that is to be applied to the capitalised value of weekly payments under section 44 is 3%.

#### **16—Exemption from two weeks of payments**

- (1) Pursuant to section 46(8a) of the Act, employers who are participating in the RISE scheme are, subject to subregulation (2), a prescribed class of employers exempt from the operation of section 46(3) of the Act.
- (2) The exemption under subregulation (1) is limited to cases where—
  - (a) the disability is suffered by a worker who is employed by the employer under the RISE scheme; and
  - (b) the disability is, or results from, the aggravation, acceleration, exacerbation, deterioration or recurrence of the disability to which the worker's participation in the RISE scheme can be attributed.
- (3) In this regulation—

*RISE scheme* means the re-employment scheme called the Re-employment Incentive Scheme for Employers established by the Corporation for workers who have suffered compensable disabilities.

#### **17—Rate of interest payable on weekly payments in arrears**

For the purposes of section 47(1) of the Act, the interest payable on a weekly payment in arrears is the prime bank rate for the financial year in which the amount went into arrears.

#### **18—Payments by Corporation on behalf of defaulting employers**

For the purposes of section 48(2) of the Act, the administration fee payable to the Corporation when the Corporation makes a payment on behalf of an employer is \$50.

#### **18A—Substantive law**

For the purposes of paragraph (b) of the definition of *a State's legislation about damages for a work related disability* in section 58AE of the Act—

- (a) the *Workers Compensation Act 1951* (ACT) is declared to be the legislation of the Australian Capital Territory about damages for a work related disability; and
- (b) the *Workers Compensation Act 1987* (NSW) and the *Workplace Injury Management and Workers Compensation Act 1998* (NSW) are declared to be the legislation of New South Wales about damages for a work related disability; and
- (c) the *Work Health Act* (NT) is declared to be the legislation of the Northern Territory about damages for a work related disability; and

- (d) the *Workers Compensation and Rehabilitation Act 2003* (Qld) is declared to be the legislation of Queensland about damages for a work related disability; and
- (e) the *Workers Rehabilitation and Compensation Act 1988* (Tas) is declared to be the legislation of Tasmania about damages for a work related disability; and
- (f) the *Accident Compensation Act 1985* (Vic) and the *Accident Compensation (WorkCover Insurance) Act 1993* (Vic) are declared to be the legislation of Victoria about damages for a work related disability; and
- (g) the *Workers' Compensation and Injury Management Act 1981* (WA) is declared to be the legislation of Western Australia about damages for a work related disability.

### **19—Delegation to exempt employer**

Pursuant to section 63(1)(b) of the Act, the powers and discretions of the Corporation under section 38A of the Act are prescribed.

### **20—Notification by exempt employers**

Pursuant to section 63(3aa) of the Act—

- (a) an exempt employer must provide the following information to the Corporation before it proceeds to make an assessment under Division 4B of Part 4 of the Act:
  - (i) the period to which the assessment relates; and
  - (ii) the worker's weekly earnings and an estimation of the income tax that would otherwise be payable over the period to which the assessment relates; and
  - (iii) whether the proposed assessment is to be a final assessment or an interim assessment; and
  - (iv) the amount of capital loss assessed by the exempt employer; and
  - (v) whether it is proposed that the amount assessed be paid in a single lump sum or by instalments and, in the case of instalments, the frequency and amount of each instalment; and
- (b) if the exempt employer has made an interim assessment of loss—an exempt employer must, at least one month before the expiration of the period to which that interim assessment relates, furnish the Corporation with new information that complies with the requirements of paragraph (a) for the period to which the next assessment will relate; and
- (c) an exempt employer must, on request, within a reasonable time, supply the Corporation with such other information as the Corporation may require in order to determine whether it is appropriate to grant its consent to the assessment under the Act.

### **21—Progress reports to employers**

For the purposes of section 107(2) of the Act, the fee payable on a request under section 107 by an employer to the Corporation for a report on a worker is \$5.

## 22—Medical examination requested by employers

For the purposes of section 108(2), a worker is not required to submit to examinations under section 108 more frequently than once in every two months.

## 23—Noise induced hearing loss

- (1) For the purposes of section 113(3) and (4) of the Act, noise induced hearing loss is a prescribed disability.
- (2) The following procedures apply for the purpose of establishing whether a worker is suffering from hearing loss that may be noise induced:
  - (a) the worker must first undergo an audiometric test of hearing conducted by—
    - (i) a legally qualified medical practitioner; or
    - (ii) an audiologist; or
    - (iii) an audiometrist; and
  - (b) for the purposes of paragraph (a)—
    - (i) an audiometric test must include air-conduction and bone-conduction pre-tone threshold measures with appropriate masking; and
    - (ii) air-conduction testing must comply with requirements of Rule 5.6.3.4 (a) and (c) of Australian Standard 1269 "Acoustics-Hearing Conversion"; and
    - (iii) bone-conduction testing must comply with the Audiological Society of Australia Professional Standards of Practice; and
    - (iv) during an audiometric test, the hearing levels of the worker must be determined at audiometric test frequencies, 500, 1 000, 1 500, 2 000, 3 000 and 4 000Hz with an audiometer calibrated to the reference specified in Australian Standard AS 1591.2 : 1987, Part 2 "Reference Zero for the Calibration of Pure Tone Audiometers and AS 1591.4 : 1995, Part 1 "Reference Zero for the Calibration of Pure-Tone Bone Conduction Audiometers", and the instrumentation for bone conduction audiometry must also comply with Australian Standard 1591.4 : 1995, Part 4 "Acoustics-Instrumentation for Audiometry-A Mechanical Complier for Calibration of Bone Vibrators"; and
    - (v) if noise induced hearing loss is diagnosed, the hearing levels of the better and worse ear must be determined at each audiometric test frequency and, using the hearing levels obtained, a percentage loss of hearing must be read at each audiometric test frequency in accordance with the appropriate tables so as to obtain six values of percentage loss of hearing, and those six values of percentage loss of hearing are to be added together to obtain the binaural percentage loss of hearing; and

- (vi) if the worker is a man of or over the age of 56 years or a woman of or over the age of 69 years, the value in table P set out in Appendix 5 of NAL Report No 118 appropriate to the worker's age and sex must be subtracted from the binaural percentage of loss of hearing obtained in accordance with the procedure set out in subparagraph (v); and
  - (c) in addition to an audiometric test, a legally qualified medical practitioner registered in the speciality of otorhinolaryngology, or approved by the Corporation, must carry out a physical examination of the worker (and any other appropriate investigation that the medical practitioner considers necessary) to determine whether the worker's hearing loss is noise induced or is due, or partly due, to ear disease or other causes of hearing loss and must, having regard to the results of the audiometric test of hearing, determine the noise induced hearing loss of the worker as a binaural noise induced hearing loss expressed as a percentage loss of hearing.
- (3) For the purposes of this regulation—
- (a) **audiologist** means a person who is either a full member, or eligible to be a full member, of the Audiological Society of Australia and who holds, or is eligible to hold, a Clinical Certificate of the Society;  
**audiometrist** means a person who is either an ordinary member, or eligible to be an ordinary member, of the Australian College of Audiology;  
**Australian Standard** means a standard of the Standards Association of Australia as in force for the time being and from time to time;  
**Hz** means Hertz where one Hertz equals one cycle per second;  
**NAL Report No 118** means the report entitled Improved Procedure for Determining Percentage Loss of Hearing published by the National Acoustic Laboratories in January 1988 (ISBN 0 644 06884 1); and
  - (b) the appropriate tables are tables RB-500 to RB-4000 (inclusive) set out in Appendix 3 of NAL Report No 118.

#### **24—Schedule 3—Percentage loss of bodily function**

Pursuant to clause 4 of Schedule 3 of the Act, the Guides to the Evaluation of Permanent Impairment Third Edition (Revised) published by the American Medical Association (Department of Preventive Medicine and Public Health, American Medical Association, Chicago) are approved as professionally accepted principles for the purpose of determining the percentage loss of total bodily function represented by a particular impairment of a physical or sensory faculty.

#### **25—Schedule 3—Aggregation of two or more disabilities**

Pursuant to clause 5 of Schedule 3 of the Act, the following is prescribed as the principle to be applied if a worker is entitled to compensation in respect of two or more disabilities to which that Schedule applies:

$$P = P1 + P2 + P3 + P4 + \dots \text{and so on}$$

Where—

**P** is the worker's percentage entitlement of the prescribed sum;

*P1, P2, P3, P4* ..... are the percentages of the prescribed sum that are payable under this principle for the various disabilities, calculated as follows:

$$P1 = a$$

$$P2 = \frac{100 - P1}{100} \times b$$

$$P3 = \frac{100 - (P1 + P2)}{100} \times c$$

$$P4 = \frac{100 - (P1 + P2 + P3)}{100} \times d,$$

and so on, where a, b, c, d and so on are the percentages that would be individually applicable to the disabilities if there were no question of aggregation.

**Note—**

Where applicable, the supplementary benefit payable under section 43(7a) of the Act is payable in addition to the amount calculated above if that amount exceeds 55 per cent of the prescribed sum.

## Schedule 1—Prescribed notice

(Section 38(3))

### Notice of Pending Review of Weekly Payments

Date

Worker's Name

Worker's Address

**Re: Worker's Name:**  
**Claim Number:**  
**Employer:**

Section 38 of the *Workers Rehabilitation and Compensation Act 1986* (the Act) provides for a review of the amount of the weekly payments made to a worker who has suffered a compensable disability.

**Take notice** that it is the intention of the Corporation to review your entitlements to weekly payments pursuant to section 38 of the Act.

If the Corporation finds on review under this section that your entitlement to weekly payments has altered, it must adjust or discontinue your weekly payment to reflect the review finding.

You may **within \*\*\*\* days** of the date of this request forward to ..... any written representation you wish to make on the subject of this review. For example you may have medical evidence of your incapacity or further evidence of your earnings.

Should you have any queries on the above please contact .....

Signature

Form 38(3)

## Schedule 2—Prescribed notice

(Section 38(7))

<b>Outcome of Review of Weekly Payments</b>	
(Section 38 of the Act)	
This form is used to provide information on the outcome of a review pursuant to section 38 of the <i>Workers Rehabilitation and Compensation Act 1986</i> as amended, of the weekly payments made to a worker who has suffered a compensable disability.	
<b>Worker Details</b>	
Full Name	<input type="text"/>
Claim Number	<input type="text"/>
Address	<input type="text"/>
	<input type="text"/>
	<input type="text"/>
	Postcode Telephone Number
<b>Employer Details</b>	
Name	<input type="text"/>
Address	<input type="text"/>
	<input type="text"/>
	Postcode Telephone Number
Date of completion of Review	<input type="text"/>
<b>Decision</b>	
Following a review of the worker's entitlement to weekly payments the Corporation has determined that the worker's weekly payments are to be:	
<input type="checkbox"/> Increased	<input type="checkbox"/> Decreased
<input type="checkbox"/> Discontinued	<input type="checkbox"/> Unchanged
The rate of income maintenance has been determined at \$ ..... per week.	
<b>Provisions of the Act relied upon</b>	
Section/s:	
Regulation/s:	
Extracts of these sections are attached for your information.	
Form 38(7)	Page 1

**Basis for the decision**

Signature:

If the above decision relates to the reduction or discontinuance of weekly payments, pursuant to Section 36(34)(c) of the Act we give you notice that the weekly payments determined at the above review will commence 21 days from the date you receive this notice.

**Review Rights**

If you disagree with the above decision, you may apply for a review under Section 90 of the Act. To apply, a completed Notice of Dispute must be lodged with the Workers Compensation Tribunal within one month from the date that you receive this notice. Further information about the review process is attached.

If your Notice of Dispute is received within one month, Section 36(4) of the Act provides that weekly payments must continue at the full rate until the matter is brought before an officer of the Tribunal. If payments have been discontinued or reduced they must be reinstated and any amount withheld paid. However, if the Tribunal confirms the above decision, any amount which has been paid to you after the 21 day notice period may be recovered from you as a debt.

If your Notice of Dispute is received after one month your weekly payments will not continue or be reinstated unless an officer of the Tribunal makes a determination in your favour.



## Schedule 3—Prescribed notice

(Section 38A(2))

### NOTICE OF INTENTION TO DISCONTINUE/REDUCE WEEKLY PAYMENTS DUE TO THE PASSAGE OF TIME

*Section 38A of the Workers Rehabilitation and Compensation Act 1986 (the Act)*

**Worker Details**

Name  
Address  
Claim Number  
Decision

**Employer Details**

Name  
Address

**Reason for decision**

An extract of the relevant sections of the Act is attached.

**Review Rights**

If you disagree with the above decision you may apply for a review under Section 90 of the Act. To apply, a completed Notice of Dispute must be lodged with the Workers Compensation Tribunal within one month from the date that you receive this notice.

If you have any questions regarding this notice please contact the undersigned on (08) .....

**Signature**  
(Name of Case Manager)

**Date**

## Schedule 4—Prescribed notice

(Section 39(3))

### **ECONOMIC ADJUSTMENTS TO WEEKLY PAYMENTS** Section 39 of the *Workers Rehabilitation and Compensation Act 1986* (the Act)

#### **Worker Details**

Name

Address

#### **Employer Details**

Name

Address

Claim Number

**Decision**

**Reason for decision**

An extract of the relevant sections of the Act is attached.

#### **Review Rights**

If you disagree with the above decision you may apply for a review under Section 90 of the Act. To apply, a completed Notice of Dispute form must be lodged with the Workers Compensation Tribunal within one month from the date that you receive this notice.

If you have any questions regarding this notice please contact the undersigned on (08) .....

**Signature**  
(Name of Case Manager)

**Date**

## Schedule 5—Prescribed notice

(Section 41(2))

### ABSENCE OF WORKER FROM AUSTRALIA NOTICE OF INTENTION TO SUSPEND/REDUCE WEEKLY PAYMENTS

Section 41 of the *Workers Rehabilitation and Compensation Act 1986* (the Act)

#### Worker Details

Name

Address

Claim Number

#### Employer Details

Name

Address

#### Decision

#### Reason for decision

An extract of section 41 is attached.

#### Review Rights

If you disagree with the above decision you may apply for a review under Section 90 of the Act. To apply, a completed Notice of Dispute form must be lodged with the Workers Compensation Tribunal within one month from the date that you receive this notice.

If you have any questions regarding this notice please contact the undersigned on (08) .....

**Signature**  
(Name of Case Manager)

**Date**

## Schedule 6—Prescribed notice

(Section 39(2))

### Section 39 Economic adjustments to weekly payments Application for consideration of Award/Enterprise Agreement Changes

Each year the Corporation is required to review the weekly payments for the purpose of making an adjustment to the amount of those payments under section 39 of the *Workers Rehabilitation and Compensation Act 1986*.

If you apply, this adjustment must be based on changes to award or enterprise agreement payable to a group of workers of which you were a member at the time of your disability. Please advise your claims manager if you need interpreting services to aid the completion of this form.

I, ....., request that the changes in rates of remuneration  
(Name)  
payable at my workplace be taken into consideration when calculating that section 39 economic adjustment.

**Claim Number:** .....

.....  
Signed Date

Business/Employer Name  
.....  
Workplace Address.....  
Employers workers compensation contact person (or your Supervisor) .....  
Contact Telephone Number.....

If known, please complete the following details:  
Please nominate the award or enterprise agreement which covers you at your pre-injury place of work  
.....

Please fill in the following details of % increase or dollar amount increases in the past 12 months at your workplace:  
An increase of ..... % of \$ ..... was effective from ...../...../.....  
(Date)  
A further increase of ..... % of \$ ..... was effective from ...../...../.....  
(Date)

Any other relevant information  
.....  
.....

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Please keep a copy of this form for your records and post the original to your claims agent



## Legislative history

### Notes

- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of these regulations (historical versions) are listed at the end of the legislative history.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or [www.legislation.sa.gov.au](http://www.legislation.sa.gov.au).

### Principal regulations and variations

New entries appear in bold.

Year	No	Reference	Commencement
1999	239	<i>Gazette 25.11.1999 p2743</i>	1.12.1999: r 2
2000	207	<i>Gazette 31.8.2000 p1045</i>	31.8.2000: r 2
<b>2007</b>	<b>227</b>	<b><i>Gazette 30.8.2007 p3570</i></b>	<b>30.8.2007: r 2</b>

### Provisions varied

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
<i>r 2</i>	<i>omitted under Legislation Revision and Publication Act 2002</i>	<i>30.8.2007</i>
r 3		
GST	inserted by 207/2000 r 3	31.8.2000
GST law	inserted by 207/2000 r 3	31.8.2000
<b>r 3A</b>	<b>inserted by 227/2007 r 4</b>	<b>30.8.2007</b>
r 4		
r 4(1)	varied by 207/2000 r 4(a)	31.8.2000
r 4(1a) and (1b)	inserted by 207/2000 r 4(b)	31.8.2000
r 4(2)	varied by 207/2000 r 4(c)	31.8.2000
r 12		
r 12(1)	varied by 207/2000 r 5(a)—(c)	31.8.2000
r 12(2)	substituted by 207/2000 r 5(d)	31.8.2000
r 12(3)—(6)	inserted by 207/2000 r 5(d)	31.8.2000
r 15		
r 15(1)	varied by 207/2000 r 6(a)	31.8.2000
r 15(1a) and (1b)	inserted by 207/2000 r 6(b)	31.8.2000
<b>r 18A</b>	<b>inserted by 227/2007 r 5</b>	<b>30.8.2007</b>

## Historical versions

31.8.2000